

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DEC 15 2010

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

THOMAS W. JACKSON,)
)
Plaintiff,) Civil Action No. 7:09cv00408
)
v.)
)
MICHAEL FLETCHER,) By: Hon. Michael F. Urbanski
) United States Magistrate Judge
)
Defendant.)

ORDER

The depositions of three individuals who conducted an internal investigation for the Virginia Department of Corrections of the claims giving rise to this § 1983 action are scheduled for December 16, 2010.

On December 15, 2010, counsel in this matter contacted the undersigned regarding a letter concerning secrecy of grand jury proceedings sent to these investigators by the United States Attorney's Office pursuant to Federal Rule of Criminal Procedure 6(e) and what effect, if any, this had on the individuals' ability to testify at their depositions. The parties convened for a telephonic conference, at which the Assistant United States Attorney who issued the Rule 6(e) notice was also present.

No grand jury proceedings related to this matter have been initiated to date. Rule 6(e), which governs recording and disclosing matters occurring before the grand jury, does not prevent these individuals from testifying fully at their depositions about any investigations they have conducted relating to this § 1983 claim. The investigators are, however, not to divulge any

communications they have had with the United States Attorney's Office concerning their investigation or the subject matter of any proposed or pending grand jury proceedings.

It is **SO ORDERED**.

Entered: December 15, 2010.

A handwritten signature in black ink, appearing to be 'M. Urbanski', written over a horizontal line.

Michael F. Urbanski
United States Magistrate Judge